

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MINNESOTA  
3 COURT FILE NO.:03-3295 ADM/AJB

4 PEGGY MARIE SCHMITT,

5 Plaintiff,

6  
7 V

8 CHASE MANHATTAN BANK NA; SAKS INCORPORATED d/b/a  
9 HERBERGER'S; BANK ONE CORPORATION a/k/a FIRST  
10 USA BANK, N.A.; TRANS UNION, L.L.C.; EXPERIAN  
11 INFORMATION SOLUTIONS INC.; CSC CREDIT SERVICES, INC.;  
EQUIFAX, INC. d/b/a EQUIFAX INFORMATION SERVICES INC.;  
CBC COMPANIES d/b/a CREDIT BUREAU OF SIOUX FALLS,  
INC.; and FACTUAL DATA CORP.,

12 Defendants.  
13  
14

15 Oral deposition of EILEEN  
16 LITTLE, taken at the offices of Trans  
17 Union, L.L.C., 2 Baldwin Place, 1510  
18 Chester Pike, Crum Lynne, Pennsylvania,  
19 on Thursday, June 24, 2004, commencing  
20 at approximately 9:33 a.m., before  
21 Joanne Rose, a Registered Professional  
22 Reporter and Notary Public, pursuant to  
23 notice.  
24

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1 consumer. It's an ACDV report.  
 2 Q. Like the number of ACDVs that were  
 3 sent to this subscriber?  
 4 A. No. I don't know what's on the  
 5 report.  
 6 Q. Okay. So are you familiar with  
 7 what the purpose of that number is?  
 8 A. No.  
 9 Q. But you believe it has to do with  
 10 a separate report?  
 11 A. Yes. It's nothing to do with this  
 12 consumer.  
 13 Q. It has something to do with the  
 14 ACDV process?  
 15 A. As I said, I don't know.  
 16 Q. Okay. Over to the right it says,  
 17 "Date: 1-11-03." What does that mean?  
 18 A. From looking at that and then  
 19 going back to the TU168, that's the date  
 20 we received this verification back.  
 21 Q. Okay. And the "Page: 1459," what  
 22 does that mean?  
 23 A. That's probably -- I don't know  
 24 how -- I don't know. That's a system

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1 question. I really don't know that.  
 2 Q. And if you wanted to know the  
 3 answer to that question, who would you  
 4 ask?  
 5 A. Kim Bye.  
 6 Q. And where does Kim work?  
 7 A. In Crum Lynne.  
 8 Q. In what division?  
 9 A. She's the ACDV/CDV liaison.  
 10 Q. Okay. Does she work underneath  
 11 you or in a separate division  
 12 altogether?  
 13 A. She reports to me.  
 14 Q. And what are her job  
 15 responsibilities?  
 16 A. She works between Trans Union and  
 17 the subscribers on ACDV/CDV problems.  
 18 She sets up their mailboxes, whatever.  
 19 She handles the subscribers.  
 20 Q. What kind of problems does she  
 21 handle?  
 22 A. If for some reason a creditor  
 23 can't get into their mailbox; I don't  
 24 know. I mean, if they have questions on

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1 how to complete the ACDV/CDV, you know,  
 2 going from a paper environment to an  
 3 automated environment, how to switch  
 4 over, she would be able to help them  
 5 with that.  
 6 Q. Okay. Now, if you go down a  
 7 little bit more, you'll see on the left-  
 8 hand side it says, "Subscriber Response  
 9 Date: 1-10-03." What does that mean?  
 10 A. We're asking the creditor to  
 11 respond by that date.  
 12 Q. By 1-10-03?  
 13 A. Yes.  
 14 Q. And then below that it says, "To  
 15 comply with F.C.R.A. a response is  
 16 required by 1-7-03." What does that  
 17 mean?  
 18 A. I think the F.C.R.A. states that  
 19 the creditor has five days to respond  
 20 once they get our notification. That's  
 21 probably what generates that date.  
 22 Q. So the F.C.R.A. requires them to  
 23 respond by 1-7 of '03 but Trans Union  
 24 says they need to respond by 1-10 of

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1 '03?  
 2 A. That's what -- yeah.  
 3 Q. If you look over to the right,  
 4 you'll see "Date Received: 12-26-02."  
 5 What does that mean?  
 6 A. That's the date we received the  
 7 consumer's letter.  
 8 Q. And the "Date Entered: 12-31-02,"  
 9 what does that mean?  
 10 A. That's the date we process the  
 11 letter.  
 12 Q. And what does process mean?  
 13 A. Generated the CDV's verification,  
 14 opened the dispute.  
 15 Q. And does that date jive with  
 16 what's contained in TU168?  
 17 A. Yes, it does.  
 18 Q. Where do you see 12-31 in  
 19 Deposition Exhibit Number 2 on page  
 20 TU168?  
 21 A. Well, it says, "12-30-02."  
 22 Q. Right. That's a different date  
 23 than the date that appears on Exhibit 6;  
 24 correct?

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1 A. Yeah. But, if you let me finish,  
 2 once you print this, it will print the  
 3 next day.  
 4 Q. Okay.  
 5 A. So that's why it's 12-31.  
 6 Q. So it always prints the next day?  
 7 A. Right.  
 8 Q. Now, back to this compliance with  
 9 F.C.R.A. and a response is required by  
 10 January 7th of '03. Does the  
 11 operator -- does the dispute operator  
 12 calculate that time or is that done  
 13 automatically?  
 14 A. The system does that.  
 15 Q. Now, on the left, down a little  
 16 ways it says, "consumer states  
 17 comments." Do you see that?  
 18 A. Yes.  
 19 Q. And right above that is a phone  
 20 number. Do you see that?  
 21 A. Yes.  
 22 Q. Did Trans Union have Peggy  
 23 Schmitt's phone number?  
 24 A. That's what was on her credit

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1 report when we pulled it.  
 2 Q. Okay. And so if Trans Union  
 3 wanted to, they could have called Peggy  
 4 Schmitt; is that correct? They had her  
 5 telephone information?  
 6 A. If they felt there was a need,  
 7 they could have called her, yes.  
 8 Q. So if they wanted to call and find  
 9 out if she was actually closing any time  
 10 in the near future on her mortgage  
 11 refinance that she had already told them  
 12 she couldn't get because she was being  
 13 reported as deceased, they had her  
 14 number to call her; is that correct?  
 15 A. Is that her telephone number?  
 16 Q. You tell me. It's Trans Union's  
 17 data.  
 18 A. But Trans Union didn't put it  
 19 there. One of her creditors put it  
 20 there. I mean, I don't know if that's  
 21 her correct telephone number. I mean,  
 22 she didn't dispute it so I can only  
 23 assume that it is.  
 24 Q. Okay. So what you're telling me

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1 is that information is received from  
 2 creditors; right?  
 3 A. Yes.  
 4 Q. And that information is correct;  
 5 right?  
 6 A. I don't know. Is it correct? I  
 7 don't know what her telephone number is.  
 8 Q. Maybe I'm misunderstanding. The  
 9 information that you get from creditors  
 10 is assumed to be accurate; isn't that  
 11 true?  
 12 A. That's correct.  
 13 Q. Okay. So, as far as you know, as  
 14 far as Trans Union knows, that number is  
 15 correct for Peggy Schmitt?  
 16 A. Well, that's what I said. I'd  
 17 have to assume that's correct, yes.  
 18 Q. Okay. Now, below that telephone  
 19 number is the "consumer states  
 20 comments." And what does that mean?  
 21 A. That's the information we're  
 22 giving to First USA as to why the  
 23 consumer is disputing this account.  
 24 Q. So is this where there gets to be

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1 some kind of a coding of what the  
 2 dispute is?  
 3 A. Yes.  
 4 Q. Okay. Before I thought you said  
 5 that there wasn't any coding of the  
 6 dispute but that's not accurate, is it?  
 7 There is coding of what her dispute was?  
 8 MR. CENTO: Objection;  
 9 mischaracterizes the witness's prior  
 10 testimony. You can answer.  
 11 THE WITNESS: Correct. See,  
 12 you're talking about two different  
 13 things. The claim code is a code that  
 14 would go into the system and generate  
 15 that text back to the subscriber.  
 16 BY MR. LYONS:  
 17 Q. And that's right where it says  
 18 "consumer states"; right? That's where  
 19 a code is entered?  
 20 A. Yes.  
 21 Q. And that's a numeric code;  
 22 correct?  
 23 A. Well, it's alpha and numeric.  
 24 Q. And do you know what the

<p style="text-align: right;">Page 58</p> <p>1 alphanumeric code is that would generate  2 "special comment, compliance condition  3 and/or remarks message disputed"?  4 A. I don't know all of them. I  5 believe it's A4.  6 Q. A4? "A" as in apple?  7 A. Yes.  8 Q. Now, is there a code, alphanumeric  9 code, or any other kind of code for  10 consumer claims they're not deceased?  11 A. No.  12 Q. But you've seen that dispute  13 before, have you not?  14 A. Consumer not deceased?  15 Q. Yeah. Peggy Schmitt wasn't the  16 first time you had ever seen somebody  17 complain about being reported deceased  18 by Trans Union; right?  19 A. Correct.  20 Q. Now, does Trans Union send to, in  21 this case, First USA Bank a copy of  22 Deposition Exhibit 3, Ms. Schmitt's  23 dispute letter?  24 A. No, we do not.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Yes, it is.  2 Q. And the reason for that is why?  3 MR. CENTO: Objection; asked  4 and answered.  5 THE WITNESS: I don't believe  6 there's a need for that. I mean, I  7 don't think the creditor knowing that  8 information is going to do anything  9 different. They have to go back and  10 provide us with the information. It's  11 not going to change their response  12 because they know she is unable to  13 obtain refinancing.  14 BY MR. LYONS:  15 Q. Does Trans Union indicate to the  16 furnisher when it's handled by priority  17 processing that it is being handled by  18 priority processing as opposed to the  19 dispute operators?  20 A. No.  21 Q. Why?  22 A. It doesn't matter what type of  23 dispute it is. They have to respond  24 with the information.</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. And why is that?  2 A. We don't need to based on how  3 we're handling -- putting in the  4 comments. We're telling them what she's  5 disputing. They don't need to see this  6 letter. I mean, the letter doesn't  7 state anything different than what we're  8 telling them.  9 Q. But it doesn't say anything about  10 the fact that she says that there's been  11 no verification of a death certificate  12 and it doesn't show that she believes  13 she's being mistaken for another woman.  14 Do you see that on Deposition Exhibit  15 Number 3?  16 A. Right.  17 Q. And it doesn't say anything about  18 the fact that she's being unable to  19 refinance for a mortgage, does it?  20 A. No.  21 Q. So is it standard operating  22 procedure for Trans Union not to send  23 the consumer's letters to the furnishers  24 in the ACDV process?</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. But don't you think the furnisher  2 would want to know that the dispute was  3 from a lawyer or from the Attorney  4 General or someone else?  5 A. No. I think they have an  6 obligation to respond with the accurate  7 information. It doesn't matter who sent  8 the dispute in.  9 Q. Well, Trans Union treats the  10 dispute differently if it comes from  11 those sources that I just mentioned;  12 right?  13 A. As a courtesy to the consumer,  14 yes, we do.  15 Q. Okay. And don't you think that  16 maybe the furnisher would like to  17 provide the consumer the same courtesy  18 that Trans Union is allegedly providing  19 them?  20 A. But is it going to change their  21 answer? Is it going to change their  22 response?  23 Q. I don't know. Is it going to  24 change the way Trans Union handles it?</p>

<p style="text-align: right;">Page 62</p> <p>1 A. No.</p> <p>2 Q. Okay. So you believe that the</p> <p>3 "consumer states comments" accurately</p> <p>4 reflected that Peggy Schmitt was</p> <p>5 claiming she wasn't dead?</p> <p>6 A. Yes. We also have another message</p> <p>7 saying "Consumer message: not</p> <p>8 deceased."</p> <p>9 Q. And that appears down in the</p> <p>10 middle of the page; is that correct?</p> <p>11 A. Correct.</p> <p>12 Q. Now, is that something that Trans</p> <p>13 Union fills in?</p> <p>14 A. Yes, it is.</p> <p>15 Q. All right. And what's that field</p> <p>16 for?</p> <p>17 A. Generating additional dispute</p> <p>18 information.</p> <p>19 Q. So that's providing a little bit</p> <p>20 more information than what was provided</p> <p>21 up in the code information up above; is</p> <p>22 that correct?</p> <p>23 A. Correct.</p> <p>24 Q. And is that discretionary, whether</p>	<p style="text-align: right;">Page 64</p> <p>1 source that would have information about</p> <p>2 consumers being deceased?</p> <p>3 A. No.</p> <p>4 Q. Are you aware of any free Internet</p> <p>5 web site that provides information about</p> <p>6 persons being deceased?</p> <p>7 A. No, I'm not.</p> <p>8 Q. Did Trans Union in any way attempt</p> <p>9 to contact Peggy Schmitt to find out</p> <p>10 more information about why she believes</p> <p>11 she wasn't dead?</p> <p>12 MR. CENTO: Objection; asked</p> <p>13 and answered. Go ahead.</p> <p>14 THE WITNESS: No, we did not.</p> <p>15 BY MR. LYONS:</p> <p>16 Q. And that is standard operating</p> <p>17 procedure, not to call the consumer and</p> <p>18 find out whether or not they're</p> <p>19 deceased; correct?</p> <p>20 MR. CENTO: Same objection.</p> <p>21 THE WITNESS: Well, if she</p> <p>22 sent us a letter, we know she's not</p> <p>23 deceased.</p> <p>24 BY MR. LYONS:</p>
<p style="text-align: right;">Page 63</p> <p>1 or not the operator fills in the</p> <p>2 consumer message?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And is there any type of</p> <p>5 instruction or requirement that on a</p> <p>6 deceased dispute that that information</p> <p>7 is filled in?</p> <p>8 A. I don't believe so, no.</p> <p>9 Q. Now, what investigation did Trans</p> <p>10 Union undertake in December of 2002 in</p> <p>11 response to Ms. Schmitt's dispute in</p> <p>12 Deposition Exhibit Number 3?</p> <p>13 A. We sent the verification forms to</p> <p>14 First USA and Saks.</p> <p>15 Q. And other than those actions of</p> <p>16 filling out these forms and</p> <p>17 electronically sending them to the two</p> <p>18 furnishers, did Trans Union perform any</p> <p>19 other investigation?</p> <p>20 A. No.</p> <p>21 Q. Did they call the Social Security</p> <p>22 Administration?</p> <p>23 A. No.</p> <p>24 Q. Did they go to any free Internet</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Okay. And does Trans Union</p> <p>2 believe she's not deceased?</p> <p>3 A. Yes.</p> <p>4 Q. So Trans Union didn't require any</p> <p>5 additional proof from Peggy Schmitt that</p> <p>6 she was not dead; correct?</p> <p>7 A. Correct.</p> <p>8 Q. All right. Now, the process with</p> <p>9 regard to the ACDV, specifically with</p> <p>10 Deposition Exhibit Number 6, is this is</p> <p>11 going to be sent out to First USA Bank</p> <p>12 electronically; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And then some electronic response</p> <p>15 is going to come back; correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right. But it's my</p> <p>18 understanding -- and I think you</p> <p>19 testified to it before but just so the</p> <p>20 record is clear, let's make sure we're</p> <p>21 both on the same page. When that</p> <p>22 information comes back from First USA</p> <p>23 Bank, nobody from Trans Union is going</p> <p>24 to look at it; is that correct?</p>

<p style="text-align: right;">Page 66</p> <p>1 A. That's correct.  2 Q. It's going to go automatically  3 into the system?  4 A. Correct.  5 Q. So if First USA puts or responds  6 in such a way that doesn't make any  7 sense to Trans Union, how is Trans Union  8 going to be able to stop that  9 information from going back on Peggy  10 Schmitt's report?  11 MR. CENTO: Objection; vague;  12 ambiguous.  13 THE WITNESS: Well, if it's  14 something that's illogical, then the  15 system won't accept it. That ACDV will  16 fail and then an operator will have to  17 look at it.  18 BY MR. LYONS:  19 Q. Okay. And even at the dispute  20 operator level?  21 A. Yes.  22 Q. So in this case, if it came back  23 with information that Peggy Schmitt, the  24 same Peggy Schmitt that you just</p>	<p style="text-align: right;">Page 68</p> <p>1 back to Deposition Exhibit Number 4 and  2 we look at what, for example, Saks or,  3 for that matter, First USA Bank  4 reported, it doesn't say anything about  5 the account being reported as deceased.  6 It actually says, "consumer deceased";  7 right?  8 A. Well, it's part of the account  9 history.  10 Q. Yeah, but it doesn't say as part  11 of the account history. It just says,  12 "consumer deceased." Do you see that?  13 A. Yes.  14 Q. And that field where it says  15 "consumer deceased," what's that field  16 that it's in right there?  17 A. The comment field.  18 Q. The "special comment" field?  19 A. Right.  20 Q. Where is the ECOA field?  21 A. It doesn't show on that report but  22 they're not reporting an ECOA. What  23 they're reporting is an X in the ECOA  24 field.</p>
<p style="text-align: right;">Page 67</p> <p>1 testified that Trans Union believed was  2 alive, if it came back deceased, would  3 the system catch that?  4 A. Can you say that again?  5 Q. Sure. Would the system catch --  6 you've just testified that you  7 understood that Peggy Schmitt was alive.  8 A. Correct.  9 Q. Okay? If First USA Bank replies  10 to this ACDV and verifies that Peggy  11 Schmitt is dead, does the system  12 automatically catch that?  13 MR. CENTO: Objection;  14 incomplete hypothetical. Go ahead.  15 THE WITNESS: Well, they're  16 not saying that she's dead. They're  17 saying that someone associated with the  18 account. The account history states  19 that it has a deceased status. They're  20 only reporting the status of the  21 account, not the consumer.  22 BY MR. LYONS:  23 Q. Okay. I think I lost you on  24 that. Hold on one second. If we go</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Which would normally indicate  2 whether or not this is an individual  3 account, a joint account, an authorized  4 user, etc.; correct?  5 A. Correct.  6 Q. So how does Trans Union know  7 whether or not the consumer deceased  8 information is related to Peggy Schmitt  9 or somebody else?  10 A. I don't know that. All I know is  11 that it's referencing that account  12 number, that account, not that consumer.  13 Q. But Trans Union is putting this  14 information on Peggy Schmitt's Trans  15 Union file, isn't it?  16 A. Because that's the way the  17 creditor is reporting it, yes.  18 Q. Yeah. But the creditor doesn't  19 tell Trans Union how to report  20 information. Trans Union controls its  21 own file, doesn't it?  22 A. But they're reporting this account  23 history. What they're reporting is the  24 account history, and the deceased</p>

<p style="text-align: right;">Page 70</p> <p>1 comment is part of the account history.  2 Q. But does Trans Union's system  3 catch -- I can't remember what the word  4 was that you used. What happens if  5 there's inconsistencies? Does the  6 system fail? No. The ACDV fails; is  7 that right?  8 A. Correct.  9 Q. The ACDV fails if there's  10 inconsistent information; correct?  11 A. Correct.  12 Q. Would you agree with me that if  13 First USA Bank reports back that this  14 account is being reported as deceased  15 regarding Peggy Marie Schmitt, that  16 that's got to be inconsistent with what  17 Trans Union already recognized as being  18 truthful?  19 A. No; because they have the account  20 history.  21 Q. Right. But Trans Union has the  22 letter and has the belief that Peggy  23 Marie Schmitt is alive; right? We  24 already went through that.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Ms. Little, should I talk to Kim  2 Bye about that?  3 A. I would, yes.  4 Q. If you wanted to answer these  5 questions, you'd feel better if you had  6 Kim Bye next to you to answer those  7 questions; is that correct?  8 A. Correct.  9 Q. Okay. Well, you see what my point  10 is, is that if Trans Union believes that  11 she's alive and an ACDV comes back  12 saying that the account that she's  13 associated with is reporting her as  14 deceased, that should give somebody or  15 something at Trans Union pause to say,  16 well, wait a minute, that's not what we  17 have; right?  18 A. No, I don't believe that.  19 Q. You don't think that's reasonable?  20 A. No.  21 Q. Well, why do you not believe  22 that's reasonable?  23 A. Because I don't know the history  24 of the account.</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Right.  2 Q. Okay. So if Trans Union thinks  3 she's alive --  4 MR. CENTO: Let her answer.  5 Let her answer.  6 MR. LYONS: Oh, okay. I'm  7 sorry. I didn't realize she wasn't  8 done.  9 THE WITNESS: But this  10 account information is owned by First  11 USA Bank. They're reporting their  12 account history.  13 MR. CENTO: I want to enter  14 an objection. This is slightly beyond  15 the scope. We're getting beyond the  16 scope of the designations. She is not  17 an expert on ACDV processing. She can  18 testify about how this ACDV was  19 processed, but she is not the person  20 most knowledgeable about every aspect of  21 ACDV processing.  22 MR. LYONS: Okay. And that  23 would be --  24 BY MR. LYONS:</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Okay. What kind of history of  2 account would Trans Union -- would you  3 like to know?  4 A. I'd want to know who else was on  5 the account and why is First USA  6 reporting it as deceased. I mean, they  7 must have a record or death certificate  8 or something of the second party on this  9 account as being deceased.  10 Q. Okay. If, in fact, there was a  11 second party; right? I mean, you don't  12 even know whether or not this was a  13 joint account or if this was always an  14 individual account; right?  15 A. Correct.  16 Q. But Trans Union maintains records  17 concerning that; right? Because that's  18 what the archives or snapshots are;  19 right?  20 A. Correct.  21 Q. So somebody in consumer relations  22 and certainly the dispute operator could  23 go and look up this information that you  24 are talking about right now?</p>

<p style="text-align: right;">Page 74</p> <p>1 A. No, they could not.</p> <p>2 Q. Why is that?</p> <p>3 A. Because they don't have access to</p> <p>4 snapshots. We have to go through our</p> <p>5 corporate office to get that.</p> <p>6 Q. Okay.</p> <p>7 A. So it's not a tool that the</p> <p>8 operators can use.</p> <p>9 Q. Okay. Does priority processing</p> <p>10 have access to that?</p> <p>11 A. They can only order it upon our</p> <p>12 attorney's request.</p> <p>13 Q. But priority processing can do</p> <p>14 that; correct?</p> <p>15 A. Correct; but not at their</p> <p>16 discretion. It has to be a direction</p> <p>17 from one of our attorneys.</p> <p>18 Q. But if they bring it up, if</p> <p>19 priority processing recognizes it and</p> <p>20 asks for that, there's a process for</p> <p>21 that to be responded to, I'm assuming?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 MR. RAWLIN: Tom?</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. From what?</p> <p>2 A. "X."</p> <p>3 Q. And "X" is the deceased code; is</p> <p>4 that right?</p> <p>5 A. Correct.</p> <p>6 Q. And "I" means what?</p> <p>7 A. Individual.</p> <p>8 Q. So this would mean that the</p> <p>9 account was an individual account</p> <p>10 related only to Peggy Schmitt; correct?</p> <p>11 A. Correct.</p> <p>12 Q. So it wasn't a joint account</p> <p>13 apparently?</p> <p>14 A. Not at this time, no.</p> <p>15 Q. And then below the consumer</p> <p>16 message that we looked at before it</p> <p>17 says, "authorized phone number and</p> <p>18 name." Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. And that's the agent and the</p> <p>21 telephone number for the First USA Bank</p> <p>22 representative that completed the ACDV</p> <p>23 on their side. Is that your</p> <p>24 understanding?</p>
<p style="text-align: right;">Page 75</p> <p>1 MR. LYONS: Yes.</p> <p>2 MR. RAWLIN: This is Dustin.</p> <p>3 We've been going for about an hour and</p> <p>4 20 minutes. Can we take a five-minute</p> <p>5 break? I don't want to interrupt you if</p> <p>6 you're in a line of questioning.</p> <p>7 MR. CENTO: Actually, I need</p> <p>8 a break, too.</p> <p>9 MR. LYONS: Okay. Let's all</p> <p>10 take a break. Let's come back in five</p> <p>11 minutes.</p> <p>12 MR. CENTO: All right.</p> <p>13 (A break was taken from</p> <p>14 10:42 a.m. to 10:52 a.m.)</p> <p>15 BY MR. LYONS:</p> <p>16 Q. Ms. Little, in looking at</p> <p>17 Deposition Exhibit Number 6, can you</p> <p>18 tell how or in what manner First USA</p> <p>19 Bank responded to Trans Union's ACDV?</p> <p>20 A. Yes.</p> <p>21 Q. And how did they respond to it?</p> <p>22 A. They requested that we change the</p> <p>23 balance from 1500 to 338 and also to</p> <p>24 change the ECOA to an "I."</p>	<p style="text-align: right;">Page 77</p> <p>1 A. Yes.</p> <p>2 Q. And that information is given in</p> <p>3 case Trans Union needs to call them; is</p> <p>4 that right?</p> <p>5 A. Well, it's an information field</p> <p>6 that if we ever had to go back, we would</p> <p>7 have a name as to who authorized those</p> <p>8 changes.</p> <p>9 Q. Okay. So it's not necessarily for</p> <p>10 further investigation. It's to go back</p> <p>11 and find out who did it?</p> <p>12 A. Yes.</p> <p>13 Q. Now, the response code that was</p> <p>14 entered by Bank of America or by First</p> <p>15 USA Bank was 02; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. And that means modify account</p> <p>18 information as indicated, as it appears</p> <p>19 on Exhibit 6?</p> <p>20 A. Yes.</p> <p>21 Q. The information that was also</p> <p>22 looked to be changed was "MIN10." What</p> <p>23 does that mean, if you know?</p> <p>24 A. It's the terms of the account,</p>



<p style="text-align: right;">Page 78</p> <p>1 minimum payment \$10.  2 Q. Okay. And that was changed from  3 minimum payment of \$31?  4 A. Yes.  5 Q. Now, down below the dotted line,  6 the second dotted line, is some other  7 information. What fields are these?  8 A. These are fields that state what  9 information was reported back by the  10 creditor.  11 Q. Okay. So the top line shows what  12 was sent?  13 A. Right.  14 Q. And the bottom line shows what was  15 received?  16 A. Right.  17 Q. Okay. So the "sent" line is sent  18 by whom?  19 A. It's what Trans Union is sending  20 them.  21 Q. And then the bottom line is what's  22 received back from the furnisher?  23 A. Yes.  24 Q. So "account status 11," what does</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. So Trans Union was sending  2 information on the sent line to First  3 USA Bank and then the information they  4 received back was on the line below;  5 correct?  6 A. Yes.  7 Q. So in the "received" under  8 "account status" there's no information  9 received back; is that correct?  10 A. Correct.  11 Q. What does that mean?  12 A. Nothing. I mean, it's blank.  13 Q. What's the significance, I guess,  14 is what I'm asking you.  15 A. None.  16 Q. So does that mean it doesn't  17 change or it stays the same?  18 A. Right. They're not changing  19 anything as far as the account status.  20 Q. Okay. And then when we get down  21 to the MOP code, that didn't change;  22 correct?  23 A. Correct.  24 Q. And the "remarks" code on the</p>
<p style="text-align: right;">Page 79</p> <p>1 that mean?  2 A. It's how the account was being  3 reported at the time when we generated  4 the CDV or ACDV.  5 Q. And what's the "11" stand for?  6 A. I don't know off the top of my  7 head.  8 Q. Is that some kind of a code?  9 A. Yes, it is.  10 Q. All right. And the "MOP 01," what  11 does that mean?  12 A. That's the manner of payment.  13 Q. That's whether they're paying on  14 time or late or charged off or something  15 like that?  16 A. Correct.  17 Q. And that's from 01 to 09?  18 A. Yes.  19 Q. 09 being the worst?  20 A. Yes.  21 Q. The "remarks" code then, that  22 field says "DEC." Does that stand for  23 deceased?  24 A. Yes, it does.</p>	<p style="text-align: right;">Page 81</p> <p>1 deceased didn't change; is that right?  2 A. Correct.  3 Q. So they changed the ECOA code but  4 they didn't change the "remarks" code?  5 A. Exactly.  6 Q. And which code is superior or  7 which code drives the consumer deceased  8 indicator?  9 A. The ECOA code drives the comments,  10 but they're independent of each other as  11 well.  12 Q. All right. So let me just make  13 sure I understand that. The ECOA code  14 that we see in the top above the dotted  15 line, above the first dotted line drives  16 the "DEC-deceased" special comment; is  17 that right?  18 A. Correct.  19 Q. And then below where we see  20 "change data as shown," when they mark  21 it as an "I," when First USA Bank marks  22 it as an "I," then there wouldn't be  23 that "DEC-deceased" code; correct?  24 A. No, that's not correct.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. All right. That's where I'm 2 getting confused. Can you help me out? 3 A. Well, they didn't indicate to 4 change that field. 5 Q. So the "I" in and of itself under 6 ECOA doesn't automatically delete that 7 "deceased" special comment? 8 A. That's correct. 9 Q. Okay. So in order to delete that 10 "special comment," that has to be done, 11 what, manually by them? 12 A. They have to overlay it with 13 another comment. 14 Q. What kind of comment? 15 A. Closed, a generic comment for that 16 field. 17 Q. So they have to enter something 18 into that field or else the deceased is 19 going to come back on? 20 A. Yes. 21 Q. Now, your counsel may object to 22 this question and, if he does, then I'll 23 stand by, but are you qualified to talk 24 about why the system wouldn't catch that</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. But because they didn't fill in 2 the "special comment" code or field with 3 something, anything, the deceased got 4 put back on there. Is that your 5 testimony? 6 A. At what time did it get put back 7 on there? 8 Q. Right now, right as we're looking 9 at this thing right here on Exhibit 6. 10 Because there was nothing placed in that 11 "special comment" field, then the 12 deceased indicator went back on the -- 13 A. Yes. 14 Q. -- report? 15 A. Yes. 16 Q. Now, do you believe that's the 17 fault of First USA Bank? 18 A. Well, yes. They didn't 19 override -- they didn't tell us what to 20 put in that field. 21 Q. But you do recognize that First 22 USA Bank had attempted to change the 23 indicator from deceased to alive? Do 24 you recognize that, Ms. Little?</p>
<p style="text-align: right;">Page 83</p> <p>1 what appears to be contradictory 2 information? 3 MR. CENTO: You have my 4 objection. That's beyond the scope of 5 her knowledge. 6 MR. LYONS: And, Counsel, who 7 would better be able to address that 8 question? 9 MR. CENTO: (No response.) 10 MR. LYONS: Is it 11 Ms. Romanowski or is it Mr. Stockdale? 12 MR. CENTO: You know, it 13 might be Stockdale. It also might be 14 someone like a Kim Bye. 15 MR. LYONS: Okay. Fair 16 enough. 17 BY MR. LYONS: 18 Q. Ms. Little, is it your testimony 19 that as a result of the ECOA indicator 20 changing from "X" to "I," that First USA 21 Bank was reporting this as an individual 22 account as opposed to a deceased 23 account; is that correct? 24 A. Correct.</p>	<p style="text-align: right;">Page 85</p> <p>1 MR. CENTO: Objection; vague; 2 ambiguous. 3 THE WITNESS: Yes. I mean, 4 they changed the ECOA. 5 BY MR. LYONS: 6 Q. Is it fair to say, Ms. Little, 7 that there was conflicting information 8 reported by First USA Bank back to Trans 9 Union in response to this ACDV? 10 A. Yes. They didn't give us what we 11 needed. We needed something in the 12 deceased comment, in that comment field. 13 Q. And would this be something -- 14 what you just stated that Trans Union 15 needed, if this were handled with a CDV 16 as opposed to an ACDV -- and let me 17 preface that by saying it's my 18 understanding that the CDV process 19 actually is returned -- there's a form 20 that's returned to a live Trans Union 21 operator, a human being, that then would 22 have to code the information back in. 23 Am I right about that? 24 A. Yes.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q. If this were a CDV, would this 2 information or the inconsistency or the 3 conflicting information that we see in 4 Deposition Exhibit Number 6, would that 5 give rise to a Trans Union operator 6 reacting in some form or would they just 7 go ahead and process it just the way it 8 was? 9 MR. CENTO: Objection; vague; 10 calls for speculation; incomplete 11 hypothetical. You can answer. 12 THE WITNESS: I can't state 13 what someone else would do if they were 14 looking at it. 15 BY MR. LYONS: 16 Q. Okay. And that's a fair 17 statement. So let me back you up one 18 more step. What's the procedure at 19 Trans Union in a CDV for the same 20 situation? 21 MR. CENTO: Same objection. 22 THE WITNESS: I don't know 23 that there is a set procedure but if 24 they had any questions or concerns about</p>	<p style="text-align: right;">Page 88</p> <p>1 changed to not deceased but the special 2 comment code still said deceased; right? 3 A. Well, it was never changed because 4 the change didn't happen because when 5 they changed it to an "I," the fact that 6 those comments were on there changed it 7 back to an "X." 8 Q. Okay. Now that's the part that I 9 missed. I'm sorry. I didn't hear you 10 say that. So it never got put back to 11 an "I"? 12 A. Not at this time, no. 13 Q. Because the special comments drive 14 the ECOA code? I'm confused. Because I 15 thought it was the other way around. 16 A. It is the other way around. 17 Q. Then how did that happen? 18 A. Because you have to change both. 19 MR. CENTO: I'm going to 20 object and she really is too far down 21 this line. If you want to go farther 22 down this line, we're going to have to 23 bring in on a different day somebody 24 like Kim Bye.</p>
<p style="text-align: right;">Page 87</p> <p>1 it, again, they could bring it to their 2 team leader. The team leader can do 3 something. They could always go to Kim 4 Bye and ask her for instructions. I 5 mean, I don't know what the operator 6 would do. 7 BY MR. LYONS: 8 Q. So there's no set procedure for 9 handling when a furnisher provides 10 conflicting or incomplete information; 11 is that correct? 12 A. They're supposed to key in what's 13 reported back from the subscriber. 14 Q. Even if it's inconsistent? 15 A. Well, they don't know that it's 16 inconsistent because in here that's 17 exactly what the operator did. She went 18 in and changed the "X" to an "I" and 19 updated all the fields that they 20 requested. But the deceased comment 21 would not change because there was 22 nothing put in that field. 23 Q. Right. So it showed -- instead of 24 that the person was deceased, it was</p>	<p style="text-align: right;">Page 89</p> <p>1 MR. LYONS: Okay. But, I 2 mean, she apparently knows something 3 that I don't know, and I'd like to find 4 out what she does know. She says that 5 the "X" was originally changed to an "I" 6 and then changed back to an "X." 7 BY MR. LYONS: 8 Q. Is that what you're saying, 9 Ms. Little? 10 MR. CENTO: Right. And she's 11 told you what's happened. But if you 12 want a further explanation on why that 13 happens, we need someone other than her 14 or someone more knowledgeable in that 15 area. 16 MR. LYONS: Let me just 17 finish up this line of questioning with 18 her. 19 BY MR. LYONS: 20 Q. Ms. Little, do you know why that 21 happened? 22 MR. CENTO: I'm going to 23 instruct her not to answer. I will 24 provide another 30(b)(6) witness on that</p>

<p style="text-align: right;">Page 90</p> <p>1 subject.</p> <p>2 MR. LYONS: But, Counsel, you</p> <p>3 can at least let her answer the question</p> <p>4 of whether or not she knows. Why can't</p> <p>5 she answer whether or not she knows?</p> <p>6 MR. CENTO: She is not the</p> <p>7 person most qualified to answer that</p> <p>8 question. I don't know what she knows</p> <p>9 on that area, but I do know that there's</p> <p>10 another witness who should be giving</p> <p>11 that testimony and that's the witness</p> <p>12 I'll provide for you.</p> <p>13 MR. LYONS: Are you afraid to</p> <p>14 let her testify?</p> <p>15 MR. CENTO: No. She's not</p> <p>16 prepared to testify. She doesn't know</p> <p>17 enough to testify in that area.</p> <p>18 MR. LYONS: Okay. Let's mark</p> <p>19 Deposition Exhibit Number 7 as BO00001.</p> <p>20 (Deposition Exhibit 7 was</p> <p>21 marked for identification purposes.)</p> <p>22 MR. CENTO: Okay.</p> <p>23 BY MR. LYONS:</p> <p>24 Q. Ms. Little, have you ever seen</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Correct.</p> <p>2 Q. And there in the original field is</p> <p>3 the "X" appearing on the right-hand side</p> <p>4 of the page; is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. And then below that, the</p> <p>7 correction part of the page shows the</p> <p>8 "I"; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. All right. And what was the</p> <p>11 outcome or the result of Trans Union's</p> <p>12 investigation then? Does it show on</p> <p>13 this page, on TU170?</p> <p>14 A. I'm not sure I understand what you</p> <p>15 mean by the outcome.</p> <p>16 Q. Well, Trans Union performed an</p> <p>17 investigation, correct, into</p> <p>18 Ms. Schmitt's dispute?</p> <p>19 A. Right.</p> <p>20 Q. That she was not dead and Trans</p> <p>21 Union's investigation result was what?</p> <p>22 A. We contacted the two creditors and</p> <p>23 then sent her a corrected copy or the</p> <p>24 revised copy after the investigation was</p>
<p style="text-align: right;">Page 91</p> <p>1 this document that we've marked as</p> <p>2 Deposition Exhibit 7 before?</p> <p>3 A. No.</p> <p>4 Q. Do you know what it is?</p> <p>5 A. It's an ACDV or AUDV.</p> <p>6 Q. And isn't it just another form of</p> <p>7 Deposition Exhibit Number 6?</p> <p>8 A. Yes.</p> <p>9 Q. And do you recognize the</p> <p>10 information appearing on Deposition</p> <p>11 Exhibit 7 to be the same or similar to</p> <p>12 the information contained in Deposition</p> <p>13 Exhibit Number 6?</p> <p>14 A. Yes.</p> <p>15 Q. Now, if we can turn back for a</p> <p>16 minute to Exhibit Number 2, where is</p> <p>17 the -- on what page, on what Trans Union</p> <p>18 page is the system information related</p> <p>19 to the investigation results of Exhibit</p> <p>20 6?</p> <p>21 A. TU170.</p> <p>22 Q. All right. And on TU170 this is a</p> <p>23 Trace Set Detail for this specific ACDV;</p> <p>24 correct?</p>	<p style="text-align: right;">Page 93</p> <p>1 completed.</p> <p>2 Q. Okay. And I guess what I'm trying</p> <p>3 to find out is let's break it down into</p> <p>4 two investigations. Let's talk first</p> <p>5 about the First USA Bank investigation.</p> <p>6 What was Trans Union's conclusion</p> <p>7 concerning the First USA Bank</p> <p>8 investigation?</p> <p>9 A. First USA was updated, the balance</p> <p>10 was updated, and then the Saks was</p> <p>11 deleted or changed.</p> <p>12 Q. Let's not talk about Saks for a</p> <p>13 minute. Let's just stick with First</p> <p>14 USA. So the Trans Union investigation</p> <p>15 results regarding First USA Bank were to</p> <p>16 update the balance; is that your</p> <p>17 testimony?</p> <p>18 A. Yes.</p> <p>19 Q. And you'd agree with me,</p> <p>20 Ms. Little, that didn't have anything to</p> <p>21 do with Ms. Schmitt's dispute, did it?</p> <p>22 A. No.</p> <p>23 Q. Would you agree with me that</p> <p>24 investigation conclusion or result was</p>

<p style="text-align: right;">Page 94</p> <p>1 non-responsive to her dispute?</p> <p>2 A. Well, the information that she was</p> <p>3 disputing didn't change, no.</p> <p>4 Q. Okay. Does Trans Union have the</p> <p>5 ability to mark a trade line as consumer</p> <p>6 disputes?</p> <p>7 A. There's a field we can put that</p> <p>8 statement in, yes.</p> <p>9 Q. Okay. And nobody put that</p> <p>10 statement in related to the First USA</p> <p>11 Bank trade line, did they?</p> <p>12 A. No.</p> <p>13 Q. Why was that?</p> <p>14 A. I mean, the consumer didn't</p> <p>15 request it.</p> <p>16 Q. I beg your pardon?</p> <p>17 A. The consumer didn't request that</p> <p>18 be done and she didn't ask for a</p> <p>19 consumer statement.</p> <p>20 Q. Okay. Let's back up for one</p> <p>21 second, just so we're all on the same</p> <p>22 page. When a consumer disputes, that</p> <p>23 field can actually be put in by Trans</p> <p>24 Union right into the trade line; is that</p>	<p style="text-align: right;">Page 96</p> <p>1 she had already sent in her December</p> <p>2 20th letter would have to be provided to</p> <p>3 Trans Union?</p> <p>4 A. No. What I stated was that she</p> <p>5 did not ask for a consumer statement to</p> <p>6 be put on. You're asking me why it</p> <p>7 wasn't done. I don't know. I'm not the</p> <p>8 operator here. I didn't do this.</p> <p>9 Q. And, Ms. Little, I'm not trying to</p> <p>10 upset you. I want to know what the</p> <p>11 procedure is related to putting</p> <p>12 disputes, consumer disputes, in the</p> <p>13 specific trade line field.</p> <p>14 A. It's not normally our policy to do</p> <p>15 that.</p> <p>16 Q. Why is that?</p> <p>17 A. I don't know why.</p> <p>18 Q. Okay. Is that policy about</p> <p>19 whether or not to do that for the</p> <p>20 consumer located anywhere in Deposition</p> <p>21 Exhibit Number 5?</p> <p>22 A. Is there a policy as to why we</p> <p>23 don't do it? Is that what you're asking</p> <p>24 me?</p>
<p style="text-align: right;">Page 95</p> <p>1 correct?</p> <p>2 A. Right. It goes into what we call</p> <p>3 the collateral field. There's space in</p> <p>4 there to put consumer disputes or --</p> <p>5 Q. Can we look back at Deposition</p> <p>6 Exhibit Number 4 for a minute? And if</p> <p>7 we look down at TU003, let's just focus</p> <p>8 on the First USA Bank trade line?</p> <p>9 A. Right.</p> <p>10 Q. Where is that field, the</p> <p>11 collateral field?</p> <p>12 A. Right. Where is that on Exhibit</p> <p>13 4?</p> <p>14 Q. Yeah. Where would it be in</p> <p>15 relationship to the First USA Bank trade</p> <p>16 line? Where is that collateral field?</p> <p>17 A. I believe it would be between the</p> <p>18 "opened" date as well as the "status."</p> <p>19 Q. So it can fit right in there?</p> <p>20 A. Right.</p> <p>21 Q. Now, are you telling me that in</p> <p>22 order for Trans Union to put consumer</p> <p>23 disputes in that trade line, in that</p> <p>24 field, that something additional to what</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Well, let's start with that</p> <p>2 question. Is there a policy or a</p> <p>3 procedure manual dedicated to why Trans</p> <p>4 Union doesn't do it?</p> <p>5 A. Not that I'm aware of, no.</p> <p>6 Q. Is there a policy or procedure</p> <p>7 manual and specifically anywhere in</p> <p>8 Exhibit Number 5 is there information</p> <p>9 about whether or not it should be done</p> <p>10 or when it should be done?</p> <p>11 A. I don't know. I don't know that.</p> <p>12 Q. If you wanted to find out about</p> <p>13 that, who would you need to talk to?</p> <p>14 A. I'd have to go through this manual</p> <p>15 page by page to find out if there's</p> <p>16 anything in writing.</p> <p>17 Q. Okay. But just without paging</p> <p>18 through the manual, based on your</p> <p>19 multiple years, multiple decades of</p> <p>20 experience at Trans Union, you don't</p> <p>21 know of any policy or procedure related</p> <p>22 to that?</p> <p>23 A. I don't know.</p> <p>24 Q. Okay. Now, in addition to</p>

<p style="text-align: right;">Page 102</p> <p>1 Q. Does Trans Union put information 2 into a consumer statement that the 3 consumer doesn't request? 4 A. Add her own verbiage to it, no. 5 Q. Well, if I call up and I say, "I 6 think I'm a victim of fraud," does Trans 7 Union put in all this other information 8 about "Do not extend credit without 9 first contacting me personally and 10 verifying all applicant information"? 11 A. Right. It's a protective 12 statement. 13 Q. Right. But that's not necessarily 14 the verbiage that the consumer used; 15 correct? 16 A. I mean, I don't know what the 17 consumer -- just because he's stating it 18 was fraud, this is what we do to protect 19 him. 20 Q. I understand that. But what I'm 21 asking you is does Trans Union put in 22 information that's pre-formatted 23 regarding consumer statements? 24 A. Yes. We have a standard statement</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. What about how insistent they are, 2 like, for example, if they're not dead? 3 I mean, have you ever put in a consumer 4 statement consumer states they're not 5 dead and they're really, really, really, 6 really, really not dead? 7 A. I'm sure it's been done. 8 Q. Okay. But it wasn't done in this 9 case? 10 A. No, it wasn't. 11 MR. LYONS: Let's mark 12 Deposition Exhibit Number 8 as TU0009. 13 (Deposition Exhibit 8 was 14 marked for identification purposes.) 15 MR. CENTO: Okay. 16 BY MR. LYONS: 17 Q. I'm showing you what's been marked 18 as Deposition Exhibit Number 8. Can you 19 identify this document for me? 20 A. This again is an ACDV that was 21 sent in reference to the Saks dispute. 22 Q. All right. So it's still in 23 reference to the dispute of Exhibit 3 24 but it's a different furnisher; correct?</p>
<p style="text-align: right;">Page 103</p> <p>1 regarding fraud. 2 Q. Okay. So regardless of what the 3 consumer says, there's a standard form 4 that can be put in and added by Trans 5 Union? 6 A. If the consumer had wanted 7 different information on there, we would 8 enter that as well. 9 Q. And are there any restrictions to 10 the information that Trans Union places 11 on consumer statements? 12 A. As far as the verbiage? 13 Q. Yeah. 14 A. I mean, we're not going to allow 15 anyone to use curses or whatever in the 16 system. 17 Q. And why is that? 18 A. Because it's our database and it's 19 unprofessional. 20 Q. Even if they're really, really mad 21 about some information that's not right? 22 A. Well, the verbiage doesn't really 23 express the tone of how mad they are. 24 It's our --</p>	<p style="text-align: right;">Page 105</p> <p>1 A. Correct. 2 Q. And this furnisher was also 3 reporting Ms. Schmitt as deceased; is 4 that correct? 5 A. Correct. 6 Q. Now, the subscriber response date 7 on this one January 7th of '03. Do you 8 see that? 9 A. Yes. 10 Q. And Trans Union was telling 11 Herberger's that to comply with the 12 F.C.R.A. a response is required by 1-6? 13 A. Correct. 14 Q. Do you know what the policy is if 15 they respond later than the date that's 16 required in the bottom field? Will they 17 still take the response? 18 A. As long as it's not past the 28th 19 day of the date the dispute was opened. 20 Q. Okay. And the 28th day after this 21 dispute was opened would be what? 22 A. I don't know. I mean, I don't 23 have a calendar in front of me. 24 Q. But that is how it's calculated?</p>

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1 A. Right.  
 2 Q. And do the operators know that or  
 3 does the system know that or how does  
 4 everyone know that that's what the real  
 5 date is?  
 6 A. The system generates all that.  
 7 Q. Okay. To the right of the control  
 8 number is "MA/SM: 0924." What does that  
 9 mean?  
 10 A. It's the market/sub market of the  
 11 report, of the credit report.  
 12 Q. And that's for marketing  
 13 purposes? That doesn't have anything to  
 14 do with investigation of the dispute,  
 15 does it?  
 16 A. Not for investigation. Well, it  
 17 would -- that market area is handled by  
 18 location 3, Crum Lynne. So on the  
 19 bottom of her credit report it would  
 20 tell her to dispute this and mail your  
 21 information to this address.  
 22 Q. And refer her back to Crum Lynne?  
 23 A. Right.  
 24 Q. Now, the dispute related to

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1 Q. And how do you know that?  
 2 A. Because they responded.  
 3 Q. But you haven't talked to anyone  
 4 from Herberger's, right?  
 5 A. Correct.  
 6 Q. But do you know the code, the  
 7 alphanumeric code, that would produce  
 8 this "consumer states comment"?  
 9 A. No.  
 10 Q. And how did Herberger's respond to  
 11 Trans Union's ACDV?  
 12 A. They gave a narrative response.  
 13 Do you see where it says, "999 free-form  
 14 response" and then they reported "no  
 15 record of Peggy being deceased."  
 16 Q. And did they change the ECOA? It  
 17 was previously an "X."  
 18 A. On my copy it just looks like  
 19 there's a little asterisk or a dot  
 20 there.  
 21 Q. I mean, up in the Trans Union  
 22 portion. Was there previously an "X"?  
 23 A. Yes.  
 24 Q. All right. So previously

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1 this -- if you could get out Exhibit 6  
 2 again and hold it next to Exhibit 8, it  
 3 looks like there's a different "consumer  
 4 states comments." Would you agree with  
 5 that?  
 6 A. Right.  
 7 Q. This one says, "Subscriber  
 8 comment/remarks message disputed" and  
 9 then right below it it says "not  
 10 deceased." Do you see that?  
 11 A. Yes.  
 12 Q. Why, do you know, was there a  
 13 different "consumer states comment"  
 14 listed?  
 15 A. They had to use a different claim  
 16 code.  
 17 Q. And why was that?  
 18 A. I don't know why.  
 19 Q. And is that typical procedure?  
 20 A. I mean, I can't answer what claim  
 21 code she used. I mean, it covers the  
 22 dispute. She still put in there "not  
 23 dispute."(sic) The creditor knew  
 24 exactly what we were looking for.

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1 Herberger's was reporting her as  
 2 deceased. Is that your understanding?  
 3 A. Yes.  
 4 Q. And then they decided to change  
 5 that reporting; correct?  
 6 A. Yes.  
 7 Q. Now, does Trans Union do any  
 8 investigation as to why they were  
 9 originally reporting Peggy as deceased?  
 10 A. No.  
 11 Q. Does Trans Union consider that  
 12 change in the reporting of an individual  
 13 dead for a certain period of time and  
 14 then re-reporting that person as  
 15 alive -- does that make that furnisher  
 16 unreliable?  
 17 A. I'm not sure I understand your  
 18 question.  
 19 Q. Well, it looked like Herberger's  
 20 was reporting Peggy Schmitt as being  
 21 deceased for some period of time.  
 22 A. Right.  
 23 Q. And then all of a sudden, when you  
 24 asked them, hey, she says she's not

<p style="text-align: right;">Page 110</p> <p>1 deceased, they say, oh, my gosh, you're  2 right; she's not deceased. Does that  3 raise any flags about their reliability  4 in reporting to Trans Union?  5 A. No, not that I'm aware of.  6 Q. On my copy of Exhibit 8 there's  7 just a little asterisk below the "X."  8 And are you saying you don't know what  9 that means?  10 A. That's what I said it looks like  11 to me, too, just an asterisk.  12 Q. Okay. Do you know what that  13 asterisk means?  14 A. No.  15 Q. Is that a recognized code or  16 indicator for an ECOA field?  17 A. No, it's not.  18 Q. Looking back at Exhibit Number 2,  19 if we go to TU172, how does the system  20 treat the information that was received  21 back from Herberger's?  22 A. Well, this was not an automated  23 request. This failed because the  24 subscriber put in that "999 free-form</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. As opposed to if we go back a  2 page, or two pages, to TIJ170, it says  3 "VR operator ID" what?  4 A. "CRS9REQ3," which is an automated  5 process.  6 Q. All right. Thank you. So is it  7 fair to say, Ms. Little, that you don't  8 know why the operator changed the ECOA  9 code from "X" to "I"?  10 A. No. I can only assume, you know,  11 maybe she seen that asterisk and assumed  12 that field was being changed. Based on  13 their narrative response that there's no  14 record of her being deceased, they  15 changed it to an "I."  16 MR. LYONS: Let's mark as  17 Deposition Exhibit Number 9 TU0010.  18 MR. CENTO: You want the  19 whole thing or just that page?  20 MR. LYONS: Oh, no. Through  21 0015. Thanks.  22 (Deposition Exhibit 9 was  23 marked for identification purposes.)  24 MR. CENTO: Okay.</p>
<p style="text-align: right;">Page 111</p> <p>1 response." So an operator generated  2 this or made this correction.  3 Q. Okay.  4 A. So what she went in and did was  5 she entered that they verified the name,  6 address, social, previous address, and  7 they changed the "X" to an "I."  8 Q. Based on what?  9 A. Probably that asterisk. I mean, I  10 don't know.  11 Q. Now, when you say this was handled  12 manually, was it handled manually  13 because the system considered it a  14 failure on the ACDV?  15 A. Yes.  16 Q. And where does it say that in  17 Exhibit 2 or how do you know that, I  18 should say?  19 A. When you look at TU172 where it  20 says "VR operator," it gives you an  21 operator ID.  22 Q. Okay.  23 A. So that tells me that an operator  24 did it.</p>	<p style="text-align: right;">Page 113</p> <p>1 BY MR. LYONS:  2 Q. Ms. Little, I'm showing you what's  3 been marked as Deposition Exhibit Number  4 9. Can you identify this document for  5 me?  6 A. This is the revised copy after our  7 investigation that went back to the  8 consumer.  9 Q. And Exhibit 9 shows that the Saks  10 account had been updated to take off the  11 deceased; correct?  12 A. Correct.  13 Q. But that the First USA Bank trade  14 line still was being reported as  15 deceased?  16 A. Correct.  17 Q. And there was no indication in the  18 collateral field that the consumer  19 disputed that information; correct?  20 A. Correct.  21 Q. If you could turn back to page 173  22 of Exhibit 2.  23 A. Yes.  24 Q. What information is contained on</p>



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1 this page concerning or which dispute is  
 2 this concerning?  
 3 A. (Witness reviews exhibit.)  
 4 Q. Ms. Little, do you know?  
 5 A. No. I'm looking at it but there's  
 6 no -- here's an account number. I got  
 7 it. So that's in reference to the Saks  
 8 account.  
 9 Q. Okay. Thank you.  
 10 A. And you had asked me before about  
 11 what claim code was generated regarding  
 12 this one. It's B7.  
 13 Q. That appears on the top of TU173?  
 14 A. Yes.  
 15 Q. Thank you. Now, before Exhibit 9  
 16 gets sent back to or is generated to  
 17 Peggy Schmitt, does anyone from Trans  
 18 Union review it?  
 19 A. No.  
 20 Q. And this is a report dated January  
 21 11, 2003?  
 22 A. Yes.  
 23 Q. If you flip to TU0014, which is  
 24 part of Exhibit Number 9, there's a

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1 field at the bottom of the page called  
 2 "special messages." Do you see that?  
 3 A. Yes.  
 4 Q. What is that section of the report  
 5 used for?  
 6 A. They're messages that the system  
 7 would generate.  
 8 Q. And are they information for Trans  
 9 Union's purposes or are they information  
 10 for Peggy Schmitt's purposes?  
 11 A. They're information for  
 12 subscribers as well as Peggy Schmitt's  
 13 information.  
 14 Q. So it's for subscribers and for  
 15 Peggy Schmitt?  
 16 A. Yes.  
 17 Q. Not for Trans Union?  
 18 A. Well, no, because we're not  
 19 looking at them. We're generating them.  
 20 Q. And have you ever known it to be  
 21 the case that in the "special message"  
 22 field there would be any information  
 23 about inconsistency or contradictory  
 24 information concerning reporting

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1 consumer is deceased?  
 2 A. No, I've never seen it.  
 3 Q. Have you ever seen a special  
 4 message concerning a consumer disputing  
 5 being reported as deceased in the  
 6 "special message" field?  
 7 A. Can you say that again?  
 8 Q. I sure can. Have you ever seen  
 9 any phrase or verbiage that the consumer  
 10 disputes being deceased in the "special  
 11 message" field?  
 12 A. No.  
 13 Q. All right. Now, if you look at  
 14 Deposition Exhibit Number 2, Ms. Little,  
 15 does this tell you when is the next time  
 16 that Ms. Schmitt disputes any  
 17 information on her Trans Union credit  
 18 report?  
 19 A. Yes.  
 20 Q. When is that?  
 21 A. It's transaction 004 and it's  
 22 March 12, '03.  
 23 Q. All right.  
 24 MR. LYONS: Let's mark as

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1 Deposition Exhibit Number 10 TU0016  
 2 through 0018.  
 3 (Deposition Exhibit 10 was  
 4 marked for identification.)  
 5 MR. CENTO: Okay.  
 6 BY MR. LYONS:  
 7 Q. Ms. Little, I'm showing you what's  
 8 been marked as Deposition Exhibit Number  
 9 10. Is this the correspondence that  
 10 generated the notation in Deposition  
 11 Exhibit Number 2 related to the second  
 12 dispute of Peggy Schmitt?  
 13 A. Yes, it is.  
 14 Q. All right. And what page does the  
 15 second dispute information begin on?  
 16 A. On TU168.  
 17 Q. All right. And was this dispute  
 18 handled by priority processing?  
 19 A. Yes, it was.  
 20 Q. And that would have been a  
 21 different operator; is that correct?  
 22 A. Yes.  
 23 Q. Now, in looking at TU168, am I  
 24 right that the operator for the first

<p style="text-align: right;">Page 134</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. But there's no "X" next to that</p> <p>4 field, is there?</p> <p>5 A. No, there's not.</p> <p>6 Q. But, despite that, it appears as</p> <p>7 though data was changed by or attempted</p> <p>8 to be changed by First USA Bank. Do you</p> <p>9 see that?</p> <p>10 A. I see that they have a March of</p> <p>11 '03 verification date and that's it.</p> <p>12 Q. You don't see over on the right-</p> <p>13 hand side where they tried to change the</p> <p>14 ECOA code from "X" to "I"?</p> <p>15 A. I see that but I don't know</p> <p>16 that -- I mean, they're not indicating</p> <p>17 to us to change that. So I don't know</p> <p>18 that they're requesting us to change it.</p> <p>19 Q. Okay. Let me back up just a</p> <p>20 second. Are you testifying that the</p> <p>21 information that's contained below the</p> <p>22 dotted line is information that was</p> <p>23 inputted by some entity other than First</p> <p>24 USA Bank?</p>	<p style="text-align: right;">Page 136</p> <p>1 there's something in that "verified as</p> <p>2 reported" box. That's what they're</p> <p>3 going to go with, "verified as</p> <p>4 reported."</p> <p>5 Q. Despite the fact that there is</p> <p>6 data that apparently First USA Bank</p> <p>7 wants to change?</p> <p>8 A. Right. And their response code is</p> <p>9 01 and that also states that the account</p> <p>10 information is verified as accurate.</p> <p>11 Q. Now, was this handled by the</p> <p>12 system or was this handled by a live</p> <p>13 operator? If I could direct your</p> <p>14 attention to TU174.</p> <p>15 A. This was an automated response.</p> <p>16 Q. But this one was handled by</p> <p>17 priority processing; is that correct?</p> <p>18 A. The dispute was, not the</p> <p>19 reverification.</p> <p>20 Q. Right. In order for priority</p> <p>21 processing to handle the response, there</p> <p>22 would have had to have been a lock</p> <p>23 placed on the FIN; is that right?</p> <p>24 A. Right. Then it would go back to</p>
<p style="text-align: right;">Page 135</p> <p>1 A. No, I'm not. First USA Bank</p> <p>2 entered that information in there.</p> <p>3 Q. And what you're testifying to</p> <p>4 today is that you believe that that was</p> <p>5 information that First USA didn't want</p> <p>6 to change or they did want to change?</p> <p>7 A. I don't know what First USA Bank</p> <p>8 wanted. I mean, they put "verified as</p> <p>9 reported" and that's what we're going to</p> <p>10 act on, those instructions.</p> <p>11 Q. So if they changed data in that</p> <p>12 field where it says "change data as</p> <p>13 shown," Trans Union will ignore those</p> <p>14 data changes?</p> <p>15 A. Right. You can't ask -- you can't</p> <p>16 state that it's "verified as reported"</p> <p>17 and then ask for a change.</p> <p>18 Q. That seems inconsistent, doesn't</p> <p>19 it?</p> <p>20 A. Right.</p> <p>21 Q. But is that the kind of</p> <p>22 inconsistency that would kick this ACDV</p> <p>23 and cause it to fail?</p> <p>24 A. No. It wouldn't fail because</p>	<p style="text-align: right;">Page 137</p> <p>1 that operator telling her that her</p> <p>2 dispute is closed.</p> <p>3 Q. Okay. But there was no lock</p> <p>4 placed on the FIN; correct?</p> <p>5 A. The FIN is locked now. I don't</p> <p>6 know. I mean, it was an attorney file</p> <p>7 so they would have locked it back then,</p> <p>8 yes. It probably was locked.</p> <p>9 Q. It was locked at the time that</p> <p>10 this dispute was processed?</p> <p>11 A. Yes.</p> <p>12 Q. And that would result in some</p> <p>13 report being generated back to the</p> <p>14 operator by the system?</p> <p>15 A. Yes. As I said, but they don't</p> <p>16 use that report for the way you think</p> <p>17 they're using that report. I mean, all</p> <p>18 that report is telling them is that the</p> <p>19 dispute is closed and in order to</p> <p>20 complete it and generate the corrected</p> <p>21 copy; that's what that report is for.</p> <p>22 Q. Why is that report in place? What</p> <p>23 purpose does it serve?</p> <p>24 A. It notifies them when a dispute</p>

<p style="text-align: right;">Page 150</p> <p>1 A. There's about a staff of maybe 15 2 to 20 in the department, but they all 3 don't have the same responsibility. 4 There could be some that just handle 5 attorney disputes and then there's some 6 that handle Better Business, Attorney 7 General complaints. So I would say that 8 there's probably seven that could handle 9 the Attorney General stuff. There's 10 probably nine that handles attorney 11 disputes. 12 Q. And out of those nine, you're not 13 aware of any policy at Trans Union to 14 handle specifically Consumer Justice 15 Center disputes or disputes from our law 16 office, are you? 17 A. Not at all. 18 Q. All right. Can you make out for 19 me on Exhibit 16 the information that is 20 handwritten on the right-hand side next 21 to the paragraphs? It looks like some 22 check marks and then I'm trying to see 23 if you can decipher that writing. 24 A. The first one looks like it's</p>	<p style="text-align: right;">Page 152</p> <p>1 investigating on behalf of Trans Union, 2 in addition to looking at the History 3 Search Summary, also look back through 4 the Trade Set or expanded Trade Set 5 Details concerning the previous 6 disputes? 7 A. I mean, they have access to all 8 that information. It's not required 9 that they go back and look through that. 10 Q. Do you agree with me that that 11 might be helpful, that that information 12 contained in those notes that we've 13 marked as Exhibit 2 might be helpful in 14 assisting a priority processing operator 15 in investigating a dispute of a 16 consumer's? 17 A. No; because we automated the 18 system for the system to do that in 19 place of the operator. If it's 20 something that was previously 21 investigated before, then the system 22 knows that. 23 Q. And what does the system do if 24 it's been investigated before? What</p>
<p style="text-align: right;">Page 151</p> <p>1 "okay." I don't know what -- under the 2 second paragraph what that is. 3 Q. I couldn't tell it either and I 4 didn't know if you knew. All right. 5 Now, in response to this 6 dispute marked as Exhibit 16, Trans 7 Union initiated additional investigation 8 with First USA Bank; is that correct? 9 A. Yes. 10 MR. LYONS: And I'd like to 11 mark as Deposition Exhibit Number 17 12 TU0030. 13 (Deposition Exhibit 17 was 14 marked for identification purposes.) 15 BY MR. LYONS: 16 Q. Do you have it, Ms. Little? 17 A. Yes. 18 Q. Okay. Thank you. I'm showing you 19 what's been marked as Deposition Exhibit 20 Number 17. Can you identify this for 21 me? 22 A. This is the ACDV that was sent to 23 First USA on March 22nd, '03. 24 Q. Does the operator that's</p>	<p style="text-align: right;">Page 153</p> <p>1 does the system do? 2 A. If it's the same dispute, like, 3 say, an ownership dispute, it will 4 generate a letter back to the consumer 5 stating that this information has been 6 previously investigated. 7 Q. And that it's frivolous; right? 8 A. Yes. And unless they could give 9 us additional information, it's not 10 going to be reinvestigated. 11 Q. Exhibit 17 is the second dispute 12 concerning First USA Bank Number 8870 or 13 account number ending in 8870. Is that 14 correct? 15 A. Yes. 16 Q. And did you show whether or not 17 one of those frivolous letters was 18 kicked out by the system? 19 A. There was a letter on March 21st. 20 Let me see if it's in this Exhibit 2. 21 MR. CENTO: Apparently it's 22 not in these documents. I believe -- 23 what's the date of the letter? 24 THE WITNESS: March 21st.</p>

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1 Q. And that we see on Deposition  
2 Exhibit Number 6?  
3 A. Yes.  
4 Q. Okay.  
5 A. Then the First USA, TU174 -- no,  
6 I'm sorry -- TU175 is A3, a different  
7 claim code. So it wouldn't generate  
8 that letter.  
9 Q. Let's stop right there for one  
10 second because I already have a question  
11 for you. If we look at TU175, A3 says  
12 "belongs to another individual." And  
13 that's not what came out on Exhibit 17.  
14 A. No. It's for Exhibit 14.  
15 Q. Okay. Then we should skip ahead  
16 to TU179?  
17 A. Okay. And that was A3 as well.  
18 Q. But that can't be because that  
19 doesn't match up with TU0030. Those are  
20 different codes and different  
21 information. Actually, why don't you  
22 turn to TU183. I think that will help  
23 you out.  
24 A. Okay. And that's B7.

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1 Q. The same as the one before;  
2 correct?  
3 A. Right.  
4 Q. So the two disputes were identical  
5 in that they were both coded as B7 but  
6 yet the frivolous letter wasn't  
7 generated. And I want to know why that  
8 was, if you know.  
9 A. The frivolous letter only would be  
10 generated if it's disputed again within  
11 a certain period of time. Ownership I  
12 think is 120 days and account  
13 information is 58 days.  
14 Q. All right. So because this was  
15 outside that window --  
16 A. Then the letter wouldn't be  
17 generated. It would just be  
18 investigated again.  
19 Q. Okay. Now, does anybody -- does  
20 Trans Union tell that to any of the  
21 consumers that are disputing, that if  
22 they redispute in a certain amount of  
23 time, they're going to get a frivolous  
24 letter unless they provide more

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1 information?  
2 A. No; other than the letter.  
3 Q. But I'm talking about: before they  
4 get the letter, is there anything, any  
5 information that's provided to a  
6 consumer that would warn them that in  
7 order to redispute within a certain  
8 amount of days, you're going to need to  
9 provide us with more information?  
10 A. No.  
11 Q. So now this second dispute  
12 concerning being dead related to this  
13 trade line 8870, what happened this  
14 time? How did First USA Bank respond  
15 this time?  
16 A. All right. So we're looking at  
17 Exhibit 17; right?  
18 Q. That's correct.  
19 A. They requested "change data as  
20 shown" and they changed the balance, the  
21 high credit, the date closed and the  
22 verification date.  
23 Q. So this time around they failed to  
24 change the ECOA code; correct?

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1 A. Correct.  
2 Q. And, as a result of that, the  
3 account remained reported as deceased;  
4 correct?  
5 A. I believe so.  
6 MR. CENTO: She is looking at  
7 TU0033, that disclosure.  
8 MR. LYONS: All right. We're  
9 going to mark that in a minute.  
10 THE WITNESS: It stayed with  
11 the deceased comment.  
12 MR. CENTO: Do you want me to  
13 mark that?  
14 MR. LYONS: Sure. Let's mark  
15 that. We'll call that 18.  
16 MR. CENTO: Yes.  
17 (Deposition Exhibit 18 was  
18 marked for identification purposes.)  
19 BY MR. LYONS:  
20 Q. Ms. Little, I'm showing you what's  
21 been marked as Deposition Exhibit 18.  
22 Can you identify this document for me?  
23 A. This is the notification back to  
24 the consumer with the results of our

Page 162

1 investigation.  
 2 Q. And the investigation results were  
 3 that the account, the First USA Bank  
 4 account ending in 8870, was going to  
 5 remain on Ms. Schmitt's Trans Union  
 6 credit report as deceased; correct?  
 7 A. Yes.  
 8 Q. Now, on this disclosure it doesn't  
 9 seem like there's room for there to be  
 10 the consumer disputes verbiage in the  
 11 field that we were talking about before.  
 12 A. Okay. But I said I think it would  
 13 go in between those two lines. I'm not  
 14 sure where it would print out on this  
 15 report.  
 16 Q. Okay. I mean, I just didn't --  
 17 this was different than the one we  
 18 looked at before where there looked like  
 19 there was room. Do you know why this is  
 20 different?  
 21 A. There's probably more information  
 22 reported on that trade line.  
 23 Q. And Trans Union doesn't appear to  
 24 have added anything to her consumer

Page 163

1 statement about the fact that she's now  
 2 disputed this twice; correct?  
 3 A. Correct.  
 4 Q. And that's for what reason? Why  
 5 didn't Trans Union do that?  
 6 A. She didn't request that we change  
 7 or modify her consumer statement.  
 8 Q. Do you think that she wanted to  
 9 continue to be reported as deceased by  
 10 Trans Union?  
 11 A. I'm not going to answer as to what  
 12 she thought.  
 13 Q. Pardon me?  
 14 A. I'm not going to answer as to what  
 15 she thought.  
 16 Q. You don't know what she was  
 17 thinking?  
 18 A. No, I don't know what she was  
 19 thinking.  
 20 Q. Do you think she liked being  
 21 reported as deceased to other people?  
 22 MR. CENTO: Objection. I  
 23 will instruct her not to answer. It's  
 24 beyond the scope of this deposition.

Page 164

1 It's beyond the scope of the  
 2 designations. It's an improper question  
 3 and I'll enter another 26(c) objection.  
 4 Don't answer that.  
 5 BY MR. LYONS:  
 6 Q. Ms. Little, do you understand that  
 7 when Trans Union reports someone that is  
 8 not deceased as being deceased, that  
 9 that's harmful to their credit profile?  
 10 MR. CENTO: Object to the  
 11 form. You can answer if you know.  
 12 THE WITNESS: I mean, it  
 13 would depend on what the creditor -- how  
 14 the creditor viewed it.  
 15 BY MR. LYONS:  
 16 Q. I don't understand what you mean.  
 17 A. You're asking me if that  
 18 information is harmful.  
 19 Q. Yes.  
 20 A. Well, I'm not in a position to  
 21 grant or approve credit. That would be  
 22 up to the creditor who pulled the report  
 23 and they're viewing it and making that  
 24 decision. Did they view it as negative?

Page 165

1 Q. Do you have any understanding or  
 2 knowledge as to whether or not credit  
 3 reports or credit scores can be  
 4 generated where there is information on  
 5 a credit report like Trans Union showing  
 6 that a consumer is deceased?  
 7 MR. CENTO: I'm going to  
 8 object. It's beyond the scope of the  
 9 designations and instruct her not to  
 10 answer.  
 11 MR. LYONS: So even if she  
 12 knows, you're not going to let her  
 13 answer?  
 14 MR. CENTO: You haven't asked  
 15 anything about credit scoring and I  
 16 think is it this case or another case  
 17 that you've taken the deposition of  
 18 FICO?  
 19 MR. LYONS: It hasn't been in  
 20 this case.  
 21 MR. CENTO: Okay. Well --  
 22 MR. LYONS: Does that matter  
 23 as to whether or not you'll let her  
 24 answer?

<p style="text-align: right;">Page 170</p> <p>1 inaccurate information from appearing on 2 Ms. Schmitt's Trans Union credit report? 3 MR. CENTO: Objection; vague; 4 ambiguous; overly broad. Go ahead. 5 THE WITNESS: I mean, that's 6 a program question for someone else. I 7 can't answer that. 8 BY MR. LYONS: 9 Q. You know of no way in which that 10 inaccurate information can be prevented 11 from appearing on her Trans Union credit 12 report? 13 A. Right. I don't know that. 14 Q. Do you believe that it's 15 reasonable for Trans Union to continue 16 to report Ms. Schmitt as deceased when 17 they believe that she's not deceased but 18 First USA Bank is verifying information 19 saying she's deceased? 20 MR. CENTO: Objection. It's 21 beyond the scope of this witness's 22 knowledge. It's beyond the scope of the 23 designations. It contradicts the 24 witness's prior testimony. I'm going to</p>	<p style="text-align: right;">Page 172</p> <p>1 consistent with Trans Union's belief 2 about the investigation? 3 MR. CENTO: Objection; vague, 4 ambiguous, asked and answered. 5 THE WITNESS: No. 6 MR. LYONS: Can we mark as 7 Deposition Exhibit Number 18 BO00003. 8 MR. CENTO: We already have 9 18. 10 MR. LYONS: That's 18? 11 MR. CENTO: Yeah. I mean, 12 wait a minute. Hold on. Is that 18? 13 MR. LYONS: No. 18 is the 14 corrected report. 19 will be BO00003 I 15 think. 16 MR. CENTO: I've got two 17 pages left, 0031 and 0032. 18 MR. LYONS: You should have 19 003, which is a BO document. 20 MR. CENTO: Yeah, okay. I 21 got it. 22 MR. LYONS: Let's mark that 23 as 19 I think is the right number. 24 (Deposition Exhibit 19 was</p>
<p style="text-align: right;">Page 171</p> <p>1 instruct her not to answer. 2 BY MR. LYONS: 3 Q. Ms. Little, do you believe that 4 the Trans Union operator investigating 5 this March, 2003, dispute by Ms. Schmitt 6 that she was not dead followed Trans 7 Union procedure in investigating the 8 dispute? 9 A. Yes. 10 Q. And do you know specifically all 11 the steps that the Trans Union operator 12 took in investigating Ms. Schmitt's 13 second dispute claiming she wasn't dead? 14 A. Yes. They again regenerated the 15 verification form back to the 16 subscriber. 17 Q. And that was the limit of the 18 investigation, was it not? 19 A. Yes, it is. 20 Q. Do Trans Union operators that are 21 investigating disputes through ACDV ever 22 have an opportunity to review whether or 23 not the furnisher or responder to the 24 ACDV has replied in a manner that is</p>	<p style="text-align: right;">Page 173</p> <p>1 marked for identification purposes.) 2 BY MR. LYONS: 3 Q. Ms. Little, can you identify 4 Exhibit 19 for me? 5 A. Again, it's a copy of the ACDV 6 that was generated 3-22-03 and it's 7 addressed to First USA Bank. 8 Q. And do you believe that it is 9 similar in form to Deposition Exhibit 10 Number 17? 11 A. Yes. 12 MR. LYONS: If we could mark 13 TU0031 as Deposition Number 20, 14 (Deposition Exhibit 20 was 15 marked for identification purposes.) 16 BY MR. LYONS: 17 Q. I'm showing you what's been marked 18 as Exhibit Number 20. Can you identify 19 this document for me? 20 A. Again, this is a screen print of 21 the ACDV that was sent to First USA. 22 It's the results of that 3-22-03. 23 Q. This dispute concerned an account 24 that Ms. Schmitt was disputing as</p>

## SEARCH

FIN: 15763185 SSN:

COMMENT: Y

LAST:

NAME: SCHMITT

PEGGY

ARCHIVE: N (Y/N)

ADDR: 3107 NE ULYSSES

MARIE

MINNEAPOLIS

MN 55418

ST

SSN: [REDACTED] 9755 AGE/DOB: [REDACTED] SPOUSE/SSN:

## GROUP-CMD:

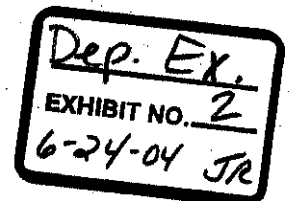
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	RM-010		15763185-012	04/10/03	CL	04/10/03		03	C5082	
	CC-DSC		15763185-011		CL	04/02/03	PR	03	C5063	
	LTRUNI		15763185-010	03/19/03	CL	03/21/03	PR	03	C5063	
	DSP	A	15763185-009	03/19/03	CM	04/02/03	PR	03	C5063	
	I-DSC	A	15763185-008	03/19/03	CL	03/21/03	52	03	C5063	
	CC-DSC		15763185-007		CL	03/21/03	PR	03	C5063	
	LTRUNI		15763185-006	03/12/03	CL	03/13/03	PR	03	C5063	

MORE

EXT-CODE: SUB-CODE: KEY:

1=CPT 3=ADD 4=CMT 5=BCK 6=FWD 7=PRV 8=NXT 9=FRC 10=SRH 11=CFD 12=ESC

504I FIN IS LOCKED.



TU 167

Case 0:03-cv-03295-ADM-AJB Document 109-3 Filed 06/06/05 Page 24 of 33  
DISP/CORR  
CNTL: 15763185 002 03 TRADE SET DETAIL KKHSO520 006  
CONSUMER: SCHMITT PEGGY MARIE CR: 01A  
RESPONSE: C FAVORABLE: F STATUS: CM DATE-REC: 12/26/02 DEL: N MM/SS:  
\* COMPLETE DISPUTE \* \*\* CHANGED \*\* PRIORITY: 3  
S-CD SUBS-NAME DT-OP HI-CR DT-VER BAL-0 P-DUE PMT PATTERN E  
ACCOUNT-NUMBER L-TP CR-LM DT-CLS MD-DT---AMT---MOP A-TP  
COLLATERAL REMARKS TERMS HIST STATUS MOP  
ORIG: SUPP: PRO  
B 1B68010 FIRST USA BK 11/95 00005211 12/02 00001572 00000000 111111111111 X  
8870 CC 00017000 111111111111 R  
DEC MIN31 048 00 00 00 01  
CORR:  
B 1B68010 FIRST USA BK 11/95 00001573 01/03 00000338 00000000 111111111111 I  
8870 CC 00017000 111111111111 R  
DEC MIN10 \*\*\* \*\* \*\* \*\* 01  
VR OPID: CRS9REQ3 QC OPID: EXPD:  
DAVE: 1 2 3 5 DOB/02  
NEXT-CODE: SUB-CODE: KEY:  
1=CPT 2=RTN 12=ESC



LOC. 03  
RPT-ID: KKA VB500-1

TRANS UNION CORPORATION  
CONSUMER RELATIONS  
ACDV3 RESPONSES THAT WERE AUTO UPDATED

DATE: 01/11/03 TIME: 06:07  
PAGE: 1459

EPT: N

BR RESPONSE DATE: 01/10/03

CONTROL: 115763185 002 03

MA/SM: 0103 SUB LOC: 001

TO COMPLY WITH F.C.R.A., A RESPONSE IS REQUIRED BY: 01/07/03

DATE ENTERED: 12/31/02

DATE RECD: 12/26/02

NAME: SCHMITT, PEGGY MARIE  
AKA:  
ADDR: 3107 NE ULYSSES ST  
MINNEAPOLIS, MN 55418  
PREV: 3522 S 37TH AV  
MINNEAPOLIS, MN 55406

VERF SUBSCRIBER CHANGES TO CONSUMER DEMOGRAPHIC DATA:

(S) NAME:

AKA:

(S) ADDR:

(S) PREV:

SSN:  
DOB:  
PHONE: 000-788-1404

(S) SSN:

(S) DOB:

(S) PHONE:

CONSUMER Special Comment, Compliance Condition and/or remarks message disputed.  
STATES  
COMMENTS

	SUBSCRIBER NAME	SUB.CODE	OPENED	RPT'D	BAL.OWING	PAST DUE	HIGH CRDT	PAYMENT	TP.ACCT	MOP
	ACCOUNT NUMBER	CREDIT LIMIT	TERMS		LAST PYMT	DT 1ST DEL		HISTORY		ECOA
	TYPE LOAN	COLLATERAL			SP.COMMENTS/STATUS/REMARKS		CLOSED			
VERIFIED	FIRST USA BANK	1B68010	11/95	12/02	\$1572	\$0	\$521.1	111111111111	R	01
AS	8870	\$17000	MIN31					111111111111		X
REPORTED:	CREDIT CARD				DEC - DECEASED			111111111111		
								111111111111		

CHANGE 01/03 \$338 \$1573  
DATA AS MIN10  
SHOWN : X

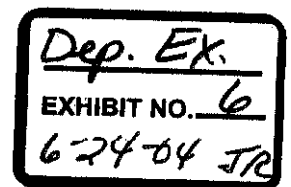
RESPONSE CODES: 02 MODIFY ACCOUNT INFORMATION AS INDICATED

CONSUMER MESSAGE: NOT DECEASED

AUTHORIZED PHONE/NAME: 614-776-7689 - RUTH MAINA

ACCT	PAYMENT	SPECIAL	COMPLIANCE	CONSUMER	MOP	REMARKS
STATUS	RATING	COMMENT CD	CONDITION CD	INFORMATION IND	CODE	CODE
SENT 11					01	DEC
RECEIVED					01	DEC

VERIFICATION FLAGS	FIRST NAME	MIDDLE NAME	LAST NAME	PREFIX SUFFIX	RESULT
	(S)	(D)	(S)		(S)



TU0008

LOC. 03  
RPT-ID: KKVRE508-2

TRANS UNION CORPORATION  
CONSUMER RELATIONS

DATE: 01/08/03 TIME: 05:21  
PAGE: 84

CRS ACDV/ACTV RESPONSES FOR MANUAL PROCESSING

03 DEPT: N

SUBSCRIBER RESPONSE DATE: 01/07/03

CONTROL: 15763185 002 02

MA/SM: 0924 SUB LOC: 001

TO COMPLY WITH F.C.R.A., A RESPONSE IS REQUIRED BY: 01/06/03

DATE: 12/31/02

NAME: SCHMITT, PEGGY, MARIE

VERF SUBSCRIBER CHANGES TO CONSUMER DEMOGRAPHIC DATA:

AKA:

(S) NAME:

AKA:

ADDR: 3107 NE ULYSSES ST

(S) ADDR:

MINNEAPOLIS, MN 55418

PREV: 3522 S 37TH AV

(S) PREV:

MINNEAPOLIS, MN 55406

SSN/DOB/PHONE:

(S) SSN/DOB/PHONE:

CNTL# 15763185 002 02 DATE RECD: 12/26/02 PRI: 3

CONSUMER SUBSCRIBER COMMENT/REMARKS MESSAGE DISPUTED

STATES

COMMENTS NOT DECEASED

	SUBSCRIBER NAME	SUB.CODE	OPENED	RPT'D	BAL.OWING	PAST DUE	HIGH CRDT	PAYMENT	TP.ACCT	MOP
	ACCOUNT NUMBER	CREDIT LIMIT	TERMS		LAST PYMT	MAX.DELQ.DATE	MD.AMT MD.MOP	HISTORY		ECOA
	TYPE LOAN	COLLATERAL/FLAG			SP.COMMENTS/STATUS/REMARKS		CLOSED	MOS 30 60 90		
VERIFIED	NEGL-HERBERG	D 1RKG001	12/00	11/02A	\$0	\$0	\$337		R	9P
AS	5962	\$1500								X
REPORTED:	CHARGE ACCOUNT						10/02	0 0 0 0		

CHANGE

01/03A

DATA AS

SH/ : X

12

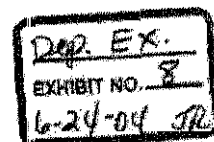
RESPONSE CODES: 999 FREE-FORM RESPONSE.

RESPONSE NARRATIVE: NO RECORD OF PEGGY BEING DECEASED

CONSUMER MESSAGE:

AUTHORIZED PHONE/NAME: 601-592-2897 / JUANITA DAY

REASON FOR PRINT : P - Response Code contains 999



TU0009

03

YOUR TRANS UNION FILE NUMBER: 115763185

PAGE 1 OF 6

DATE THIS REPORT PRINTED: 01/11/2003

SOCIAL SECURITY NUMBER: ████████-9755

BIRTH DATE:

YOU HAVE BEEN IN OUR FILES SINCE: 02/1988

PHONE: 788-1404

CONSUMER REPORT FOR:

SCHMITT, PEGGY, MARIE  
3107 NE ULYSSES ST  
MINNEAPOLIS, MN 55418

FORMER ADDRESSES REPORTED:

3522 S 37TH AV, MINNEAPOLIS, MN 55406  
4545 CINNAMON RIDGE, EAGAN, MN 55122

## INVESTIGATION RESULTS

WE HAVE COMPLETED OUR REINVESTIGATION AND THE RESULTS ARE SHOWN BELOW.

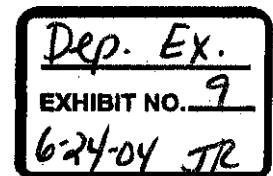
ITEM	DESCRIPTION	RESULTS
SAKS INCORPORATED	# 5962	NEW INFORMATION BELOW
FIRST USA BANK	# 8870	NEW INFORMATION BELOW

ANY CORRECTIONS TO YOUR IDENTIFICATION REQUESTED BY YOU HAVE BEEN MADE AS NOTED ABOVE. IF OUR INVESTIGATION HAS NOT RESOLVED YOUR DISPUTE, YOU MAY ADD A 100 WORD CONSUMER STATEMENT TO YOUR REPORT. YOUR UPDATED CREDIT INFORMATION FOLLOWS:

## YOUR CREDIT INFORMATION

THE FOLLOWING ACCOUNTS CONTAIN INFORMATION WHICH SOME CREDITORS MAY CONSIDER TO BE ADVERSE. ADVERSE ACCOUNT INFORMATION MAY GENERALLY BE REPORTED FOR 7 YEARS FROM THE DATE OF THE FIRST DELINQUENCY, DEPENDING ON YOUR STATE OF RESIDENCE. THE ADVERSE INFORMATION IN THESE ACCOUNTS HAS BEEN PRINTED IN >BRACKETS< FOR YOUR CONVENIENCE, TO HELP YOU UNDERSTAND YOUR REPORT. THEY ARE NOT BRACKETED THIS WAY FOR CREDITORS. (NOTE: THE ACCOUNT # MAY BE SCRAMBELED BY THE CREDITOR FOR YOUR PROTECTION).

SAKS INCORPORATED	#	5962	REVOLVING ACCOUNT
			CHARGE ACCOUNT
UPDATED 01/2003	BALANCE:	\$0	INDIVIDUAL ACCOUNT
OPENED 12/2000	MOST OWED:	\$337	CREDIT LIMIT: \$1500
PAID OFF 10/2002			
>STATUS AS OF 10/2002: PAYMENT AFTER CHARGE OFF/COLLECTION<			



TU0010

REPORT ON SCHMITT, PEGGY, MARIE

PAGE 2 OF 6

SOCIAL SECURITY NUMBER: ████████-9755

TRANS UNION FILE NUMBER: 115763185

---

OWING ACCOUNTS ARE REPORTED WITH NO ADVERSE INFORMATION

FIRST USA BANK # 78870 REVOLVING ACCOUNT  
DECEASED CREDIT CARD  
UPDATED 01/2003 BALANCE: \$338 CONSUMER DECEASED  
OPENED 11/1995 MOST OWED: \$1573 PAY TERMS: MINIMUM \$10  
CREDIT LIMIT: \$17000

STATUS AS OF 01/2003: PAID OR PAYING AS AGREED  
IN PRIOR 48 MONTHS FROM LAST UPDATE NEVER LATE

**REDACTED**

TU0011

REPORT ON SCHMITT, PEGGY, MARIE

PAGE 3 OF 6

SOCIAL SECURITY NUMBER: 482-94-9755

TRANS UNION FILE NUMBER: 115763185

**REDACTED**

TU0012

REPORT ON SCHMITT, PEGGY, MARIE  
SOCIAL SECURITY NUMBER: ██████████ 9755

PAGE 4 OF 6  
TRANS UNION FILE NUMBER: 115763185

**REDACTED**

MORTGAGE PLUS FI VIA CBR/CEC MORTGAGE  
MISSIBLE PURPOSE - CREDIT TRANSACTION

INDIVIDUAL

01/05/2005

TU0013

REPORT ON SCHMITT, PEGGY, MARIE  
SOCIAL SECURITY NUMBER: ~~60000~~-9755

PAGE 5 OF 6  
TRANS UNION FILE NUMBER: 115763185

**REDACTED**

---

STATEMENT:

#HK# FRAUD VICTIM; DO NOT EXTEND CREDIT WITHOUT FIRST CONTACTING  
ME PERSONALLY AND VERIFYING ALL APPLICANT INFORMATION. CONTACT  
ME FOR VERIFICATION AT: HOME (612) 789-3903 OR WORK (612) 626-4030  
DATED: 02/97.  
THIS STATEMENT WILL EXPIRE IN 02/2004.

---

SPECIAL MESSAGES:

INPUT CURRENT ADDRESS HAS BEEN USED (003) TIMES IN THE LAST (30) DAYS  
ON DIFFERENT INQUIRIES

INPUT SSN HAS BEEN USED (003) TIMES IN THE LAST (30) DAYS ON DIFFERENT  
INQUIRIES

SECURITY ALERT OR CONSUMER STATEMENT ON FILE RELATES TO TRUE NAME OR  
CREDIT FRAUD

TU0014

REPORT ON SCHMITT, PEGGY, MARIE  
SOCIAL SECURITY NUMBER: ████████-9755

PAGE 6 OF 6  
TRANS UNION FILE NUMBER: 115763185

---

IF \_\_\_\_\_ HAS BEEN A CHANGE IN YOUR CREDIT HISTORY RESULTING FROM OUR INVESTIGATION, OR IF YOU ADD A CONSUMER STATEMENT, YOU MAY REQUEST TRANSUNION TO SEND AN UPDATED REPORT TO THOSE WHO RECEIVED YOUR REPORT WITHIN THE LAST TWO YEARS FOR EMPLOYMENT PURPOSES, OR WITHIN THE LAST ONE YEAR FOR ANY OTHER PURPOSE. IF INTERESTED, YOU MAY ALSO REQUEST A DESCRIPTION OF HOW THE INVESTIGATION WAS CONDUCTED ALONG WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANYONE CONTACTED FOR INFORMATION.

SHOULD YOU WISH TO CONTACT TRANSUNION, YOU MAY DO SO,

AT OUR WEB SITE:  
[WWW.TRANSUNION.COM/INVESTIGATE](http://WWW.TRANSUNION.COM/INVESTIGATE)

---

BY MAIL:  
TRANSUNION CONSUMER RELATIONS  
P.O. BOX 2000  
CHESTER, PA 19022-2000

BY PHONE:  
1-800-916-8800  
OUR BUSINESS HOURS IN YOUR TIME ZONE ARE:  
8:30 A.M. TO 4:30 P.M., MONDAY-FRIDAY, EXCEPT MAJOR HOLIDAYS.  
PLEASE HAVE YOUR TRANSUNION FILE NUMBER LOCATED AT THE TOP OF THIS PAGE AVAILABLE.

TU0015



LOC. 03  
RPT-ID: KKA VB500-1

TRANS UNION CORPORATION  
CONSUMER RELATIONS  
ACDV3 RESPONSES THAT WERE AUTO UPDATED

DATE: 03/21/03 TIME: 05:53  
PAGE: 9941

0. RPT: N

SUBSCRIBER RESPONSE DATE: 03/20/03

CONTROL: 115763185 005 01 A

MA/SM: 0103 SUB LOC: 001

TO COMPLY WITH F.C.R.A., A RESPONSE IS REQUIRED BY: 03/21/03

DATE ENTERED: 03/14/03

DATE RECD: 03/12/03

NAME: SCHMITT, PEGGY MARIE  
AKA:  
ADDR: 3107 NE ULYSSES ST  
MINNEAPOLIS, MN 55418  
PREV: 3522 S 37TH AV  
MINNEAPOLIS, MN 55406

VERF SUBSCRIBER CHANGES TO CONSUMER DEMOGRAPHIC DATA:

(S) NAME:

AKA:

(S) ADDR:

(U) PREV:

SSN:

(S) SSN:

DOB:

(U) DOB:

PHONE: 000-788-1404

(U) PHONE:

CONSUMER Belongs to another individual with same/similar name. Provide complete ID (incl SSN, DOB, Generation code, etc).

STATES

COMMENTS

	SUBSCRIBER NAME	SUB.CODE	OPENED	RPT'D	BAL.OWING	PAST DUE	HIGH CRDT	PAYMENT	TP.ACCT	MOP
	ACCOUNT NUMBER	CREDIT LIMIT	TERMS	LAST PYMT	DT 1ST DEL			HISTORY		ECOA
	TYPE LOAN	COLLATERAL		SP.COMMENTS/STATUS/REMARKS	CLOSED					
VERIFIED	FIRST USA BANK	1B68010	11/95	03/03	\$194	\$0	\$5211	111111111111	R	01
AS	'8870	\$22000	MIN10					111111111111		X
PTED: X	CREDIT CARD			DEC - DECEASED				111111111111		
								111111111111		

CHANGE

03/03

DATA AS

SHOWN :

I

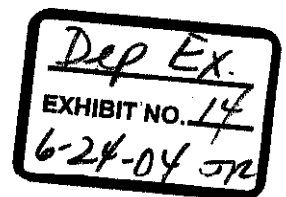
RESPONSE CODES: 01 ACCOUNT INFORMATION ACCURATE AS OF DATE REPORTED

CONSUMER MESSAGE:

AUTHORIZED PHONE/NAME: 302-985-7143 - DEBBIE JONES

ACCT	PAYMENT	SPECIAL	COMPLIANCE	CONSUMER	MOP	REMARKS
STATUS	RATING	COMMENT CD	CONDITION CD	INFORMATION IND	CODE	CODE
SENT	11				01	DEC
RECEIVED					01	DEC

VERIFICATION FLAGS	FIRST NAME (S)	MIDDLE NAME (S)	LAST NAME (S)	PREFIX SUFFIX	RESULT (S)



TU0026